

PUBLIC HEARING: Proposed Dog Control Ordinance Revision

The following Notice of Public Hearing was legally advertised in the Daily Gazette, the Post Star and the Saratogian newspapers

PLEASE TAKE NOTICE that the Town of Wilton, New York, County of Saratoga, will hold a public hearing to revise the Town's Dog Control Ordinance adopted March 11, 1985.

SAID PROPOSED REVISION would revise Section III (Prohibition of Dogs in Town Parks) of the Dog Control Ordinance to read as follows: No dogs shall be allowed within the confines of **Gavin Park**. This section shall not apply to Seeing Eye Dogs when the dogs are performing the functions for which they are trained, nor to dogs aiding or assisting disabled persons, nor to dogs actively engaged in police work **or Search & Rescue activities. Leashed dogs are allowed at Camp Saratoga and Ruggles Road Park (Neilmann Parcel). A "revocable" permit is required, issued by the Town of Wilton, for use at Camp Saratoga and the Neilmann Parcel. No dogs are permitted at Camp Saratoga during scheduled or community events.**

SAID PUBLIC HEARING will be held on Thursday October 2, 2008 at 7:00 p.m. at Wilton Town Hall located on Traver Road in the Town at which time all persons will be given an opportunity to be heard.

BY RESOLUTION OF THE TOWN BOARD OF THE TOWN OF WILTON

At 7:04 p.m., **Supervisor Johnson** called the public hearing to order and asked the Town Clerk to read the public hearing notice aloud, she did do, Supervisor Johnson asked if anyone had any comments. There were none, Supervisor Johnson then closed the public hearing at 7:06 p.m..

REGULAR TOWN BOARD MEETING

Immediately following the public hearing, Supervisor Johnson called the Regular Town Board meeting to order at 7:06 p.m..

Pledge of Allegiance

Supervisor Johnson led the board and the audience in reciting the Pledge of Allegiance to the Flag.

Roll Call

Roll Call by the Town Clerk showed all board members present:

Arthur Johnson-Supervisor
Raymond O'Conor-Deputy Supervisor
Lawrence Gordon-Councilman
Ian McGaughey-Councilman
Charles Gerber-Councilman

Also present were Town Attorney Richard DeVall, Town Engineer Keith Manz, Comptroller Jeffrey Reale and Town Planner Kate Maynard.

Approve Pending Minutes

Supervisor Johnson asked for a motion and a second to approve the pending minutes from the last meeting.

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 160

NOW, THEREFORE, BE IT RESOLVED, to approve the minutes from the September 4, 2008 as typed without amendment.

The adoption of the resolution was seconded by Councilman McGaughey, duly put to a vote, all in favor.

Proclamations

**Commending Bryan a Marco & Andrew Behan
Eagle Scouts**

Supervisor Johnson stated that there are two proclamations before you. These are two scouts from troop 24 that obtained the Eagle Scout rank. One is Bryan Marco, his project was to raise funds and accept food donations for the food pantry. The other is Andrew Behan, he built new rabbit hutches for the Double H Hole in the Woods ranch in Lake Lazerne.

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 161

NOW, THEREFORE, BE IT RESOLVED, to approve proclamations commending Bryan Marco and Andrew Behan for their efforts to obtain Eagle Scout rank.

The adoption of the resolution was seconded by Councilman Gordon, duly put to a vote, all in favor.

2009 Tentative Budget

**Tentative Budget received by Town Clerk
& copies distributed to Board Members**

Supervisor Johnson stated that he would like to introduce the 2009 tentative budget. It has been a tough budget year given the financial concerns of New York State and the Nation as well. There is a lot of uncertainty coming up in 2009, with the State budget, whether there will be costs in local aid, and shifts in costs. As Budget Officer I tried to hold the line. The proposed tentative budget is \$7,261,072 million dollars. Which is comprised of \$4.3 million in General funds and \$3.0 million in the Highway Fund. It has been particularly tough year dealing with the highway fund and I have to commend Highway Superintendent Kirklin Woodcock for putting together a very reasonable and sensible budget. Overall the budget is a three and a half (3.5%) increase over the 2008 original budget and a two (2%) increase over the June 2008 amended budget. The budget does call for a \$468, 000 of General Fund Balance to balance the budget. In previous years we have had to use Fund Balance to balance the budget but at the end of the year we never had to use it, so hopefully the same will be true for this year. In the General Fund there are no major Capital Projects, we will continue to provide all the services we provide now. We will continue with the extra law enforcement with the County Sheriff, are leaf and brush pick-up and all other services that the people in Wilton have been accustomed to receiving. With our Highway Fund we still plan on covering all the roads that need to be improved. Superintendent Woodcock has a list of those roads. But, the most important part is again for 27 years running there will be no Town Tax or Highway Tax associated with the Town Budget. For the next couple of weeks we will be setting up workshops for the Town Board to attend and then adopting the budget at the next meeting. The Town Board then set the public hearing for November 6th, at 7:00 p.m..

Dog Control Ordinance (Revision)

Discussed 9/4/08

Public Hearing held earlier

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 162

NOW, THEREFORE, BE IT RESOLVED, to approve the revisions submitted by Councilman Gordon for the Dog Control Ordinance.

The adoption of the resolution was seconded by Councilman McGaughey, duly put to a vote, all in favor.

Hamlet District Amendment

Discussed 9/4/08

Kate Maynard

Received review from Saratoga County Planning Board

Supervisor Johnson asked Ms. Maynard to address the board. **Ms. Maynard** discussed the changes and asked the board to set a workshop date, also move forward and set a public hearing tonight for November. She also recommended that the board become lead agency under SEQR. **Supervisor Johnson** asked the board if they had a preference for the workshop date. The board agreed on October 21st, at 9:00 a.m.. **Supervisor Johnson** mentioned that Ms. Maynard had gotten some comments back from the consultants. **Deputy Supervisor O’Conor**, stated that he and Councilman Gordon feel it is important to have the Zoning Board and Planning Board members enforce the standards and designs. **Councilman McGaughey** stated that the County Planning Board approved and had a favorable review of the changes. The board set the public hearing date for November 6th, at 7:15 p.m..

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 163

NOW, THEREFORE, BE IT RESOLVED, to establish the Town Board as lead agency in this type 1 action under the SEQR process.

The adoption of the resolution was seconded by Councilman McGaughey, duly put to a vote, all in favor.

Carriage Pines PUD

Known as McGregor Villas

Discussed 8/7/08 received reviews from Saratoga County and Town Planning Boards.

Supervisor Johnson asked Mr. Crisafulli, a partner in F&G Holdings, to address the board. **Mr. Crisafulli** and an associate from Clough Harbour & Associates explained that this project had been discussed at the August meeting and referred to the Planning Board who returned a positive recommendation from their September meeting. After some discussion, the board set a public hearing for November 6th, 7:20 p.m..

Wilton Gansevoort Rd. (easement)

William Leege

Tie into sewer system near Ridgeview Commons

Supervisor Johnson explained that this issue was discussed a while ago, to provide an easement and asked Attorney DeVall to address the board on this item. **Attorney DeVall** explained that the board has already approved the provision of the easement for the Leege's. Now the board needs a resolution for authorization to have the Supervisor sign the documents.

On a motion introduced by Councilman McGaughey, the board adopted the following resolution:

RESOLUTION # 165

NOW, THEREFORE, BE IT RESOLVED, to authorize Supervisor Johnson to execute all documents related to the easement subject to review of the Town Attorney and Engineering Planning Staff.

The resolution was seconded by Deputy Supervisor O'Connor, duly put to a vote, all in favor.

Dandelion Drive (Community Halloween Parade)

Diane Kivi

Supervisor Johnson explained that the board had received a letter from Diane Kivi, on Dandelion Drive requesting permission to have a Halloween Parade on October 26th, 2008. After some discussion, the board unanimously agreed that they could go ahead with their parade.

Resignation (IBR Board)

Marie Farone

Term to expire 9/30/13

Supervisor Johnson explained that last month the board reappointed Marie Farone to the position of member of the Independent Board of Assessment Review, circumstances have changed and she has submitted her letter of resignation.

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resignation:

RESOLUTION # 165

NOW, THEREFORE, BE IT RESOLVED, to approve the resignation submitted by Marie Farone as

member of the IBR Board effective immediately, and thanked her for her many years of service on that board.

The adoption of the resolution was seconded by Councilman McGaughey, duly put to a vote, all in favor.

Road/ Easement Acceptance

- a.) Burnham Hollow Subdivision
Deed for Buchanan Dr., Burnham Road,
Campbell Dr. and Kerr Dr.
Also 6 water basins, Utility Easement**

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 166

NOW, THEREFORE, BE IT RESOLVED, to accept the following roads in the Burnham Hollow Subdivision as Town Roadways: Buchanan Dr., Burnham Rd., Campbell Dr. and Kerr Dr., and;

FURTHER BE IT RESOLVED, to accept the 6 water basins and the utility easement.

The adoption of the resolution was seconded by Councilman Gerber, duly put to a vote, all in favor.

- b.) Olson Farm Subdivision (Waverly Place)**

Supervisor Johnson asked Attorney DeVall to discuss this issue. Attorney DeVall explained that the legal paper work is not acceptable. Attorney DeVall had talked to Donald Zee the attorney for Tra-Tom and told him that the town needs a release of the mortgage and all taxes need to be paid as well. After some discussion the board unanimously decided to take no action.

Olson Farm Groundwater Drainage District

Engineer Manz asked Mr. McNamara to give an update on the District since this has not been talked about in awhile. It is emanate as far as the acceptance but there are some questions about the timing and there is no bonding indebtedness. Mr. McNamara explained that part of the amended approval had to establish a drainage system. That SEQR had been submitted. Attorney Rich DeVall questioned Mr. McNamara if he had received a letter from the NYS Comptroller’s office. McNamara said he did not receive a letter that he had gotten a verbal over the phone. Attorney DeVall said this needed to be

very carefully reviewed and from a legal standpoint that this Board needed to have these things in writing and clarified. Supervisor Johnson asked Mr. McNamara if the new homeowners knew they were in a drainage district. McNamara responded by saying he did not know. Councilman Gordon said there are some of questions we need answered before we make these decisions. No action taken.

c.) Louden Ridge (Kendrick Hill)

Attorney DeVall said he had reviewed the paperwork and it has met all criteria. Engineer Manz said he had also reviewed some paperwork and letters from him and Highway superintendent Kirk Woodcock were in order and there would be no need for Wilton Water and Sewer to be involved in this.

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION #167

NOW, THEREFORE, BE IT RESOLVED, to accept Kendrick Hill Rd. in the Loudon Ridge Subdivision as a Town Roadway.

The adoption of the resolution was seconded by Councilman Ian McGaughey, duly put to vote, all in favor.

Hide-A-Way Motel (Authorizing the commencement of a permanent injunction & temporary restraining order)

Attorney DeVall addressed the board about an urgent situation regarding zoning, building & state sanitary and water code violations. He wanted to bring to the boards attention of Mark Mykins and the building dept. staff who did an exemplary job, in pursuing and alerting Attorney DeVall in the violations that incurred. They decided to seek an injunctive relief and had the board execute a resolution to do so. The law prefers this to be done in a public setting but had the board authorize the commencement of the litigation in advance of the meeting, subject to it being retroactively approved and considered in a public setting. Mark Mykins had advised him that the Hide-A Way has stepped up to the plate and he is satisfied the code violations are being addressed as well as DEC and DOH. I would like the board to authorize the resolution and he will hold the commencement of the law suit to insure that it doesn’t happen again, or until Mark indicates that it would need to be done again.

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION # 168

NOW, THEREFORE, BE IT RESOLVED to
Accept and authorize the commencement of permanent
injunction and temporary restraining order of the Hide-
A-Way Motel

FURTHER BE IT RESOLVED, To hold the
commencement of the law suit until duly needed.

The adoption of the resolution was seconded by
Councilman Gerber, duly put to vote, all in favor.

SMITH SUBDIVISION(Open Space)

Attorney Rich DeVall said more title work needs to be looked at and the maps need to be checked. He would prefer the board take another look at things and make sure everything is in order. No action taken.

WILTON PARK & RECREATION COMMISSION (By-Laws Draft)

Councilman Gerber addressed the board as the liaison to the Park & Recreation Commission. They felt it was necessary to form a sub-committee to review the by-laws. After many months of work, they found that some of the technical language needed to be changed.

On a motion introduced by Councilman Gerber, the board adopted the following resolution:

RESOLUTION #169

NOW, THEREFORE, BE IT RESOLOVED, to
Accept the changes to the By-Laws of the Park &
Recreation Commission.

The adoption of the resolution was seconded by
Councilman Gordon, duly put to vote, all in favor.

Committee Reports (If Any)

Supervisor Johnson asked if there were any committee reports. **Councilman Gerber** stated Gavin Park has been the subject of vandalism. This time it was cars on the grass late at night.

They were not caught on the video cameras this time. They discussed whether or not to close the gates at night. This is a security issue as well, because if the gates closed the Sheriff won't go in. They decided to close the gates at night to deter people from driving in after dusk.

Councilman Gordon stated that there has been a lot of activity around the Town Property especially with the revisions of the salt shed, buildings at the Park and improvements over at Camp Saratoga. He wanted to stay with the system they put into place earlier this year, the maintenance and building department has made these projects more cost effective.

Supervisor Johnson asked the press if they could help get the word out about the coat drive.

Comptroller's Report (Including Bills and Transfers)

Budget (2008 Transfers)

On a motion introduced by Deputy Supervisor Raymond O'Connor, the Board adopted the following resolution:

RESOLUTION #170

NOW, THEREFORE, BE IT RESOLVED, to approve the budget transfers for 2008 requested for and listed in the Comptroller's 10/02/08 report to the Town Board.

The adoption of the resolution was seconded by Councilman Gerber, duly put to vote, all in favor.

Personnel

- a.) Rich Coffinger (Highway Department)

On a motion introduced by Deputy Supervisor O'Connor, the board adopted the following resolution:

RESOLUTION # 171

NOW, THEREFORE, BE IT RESOLVED, to Approve the placement of Rich Coffinger in the Mechanic position at base rate for 90 days, effective 09/30/08.

The adoption of the resolution was seconded by Councilman Gordon, duly put to vote, all in favor.

b.) Catherine Hall (Resignation)

Councilman O’Conor stated he had the pleasure of working with Cathy who has the highest level of dedication, and concern for her job and community. **Supervisor Johnson** said Cathy has served for many years, and that she just became a new Grandmother and has a lot to look forward to.

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION #172

NOW, THEREFORE, BE IT RESOLVED, to accept with regret, the resignation of Catherine Hall, effective October 31, 2008.

The adoption of the resolution was seconded by Councilman McGaughey duly put to vote, all in favor.

Meals on Wheels

On a motion introduced by Deputy Supervisor O’Conor, the board adopted the following resolution:

RESOLUTION #173

NOW, THEREFORE, BE IT RESOLVED, to reimburse volunteers for mileage who deliver Meals on Wheels to Town residents and;

FURTHER BE IT RESOLVED, to make it retroactive from September 1, 2008 and;

BE IT FURTHER RESOLVED, to transfer funds in the amount of \$2,000.00 from A1990.4 contingency to A6143.4.

The adoption of the resolution was seconded by Councilman Gerber, duly put to a vote, all in favor.

Building and Grounds

Comptroller Reale said that the Building & Grounds has requested that the air conditioning unit be replaced in the Annex building. The unit is 20 years old and has many service calls on it. The cost would be \$4,500.00. This does not need a resolution, but he said he would like Board approval because of the cost. There are funds available in A1620.2 to cover the cost of the new unit. The Board approved the request.

Executive Session

Supervisor Johnson explained that completes our regular meeting, we are now going into executive session for personnel matters.

On a motion introduced by Deputy Supervisor O’Conor, and seconded by Councilman Gerber, the Board adjourned to executive session at 8:11 p.m..

On a motion introduced by Deputy Supervisor O’Conor and seconded by Councilman Gerber, the board reconvened the regular Town Board Meeting at 8:47 p.m..

No action taken at executive session.

Supervisor Johnson: If there is no other business, I will entertain a motion to adjourn.

On a motion introduced by Deputy Supervisor O’Conor and seconded by Councilman Gerber, the meeting was adjourned at 8:48 p.m..

Respectfully Submitted,

Carol D. Maynard, Town Clerk

Supervisor, Arthur Johnson

Councilman, Raymond O’Conor

Councilman, Charles Gerber

Councilman, Larry Gordon

Councilman Ian McGaughey

